

# UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Elijah Smith, III

Case No: 5:06-CR-277-1FL

USM No: 50578-056

Date of Original Judgment: April 17, 2007

Date of Previous Amended Judgment: September 17, 2009

(Use Date of Last Amended Judgment if Any)

Laura Wasco  
Defendant's Attorney

## ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_


The defendant is not eligible for a reduction under the Retroactive Crack Cocaine Amendment inasmuch as he has been released from custody. Furthermore, the offense level resulted from the application of the career offender guideline.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated April 17, 2007, and September 17, 2009, shall remain in effect. **IT IS SO ORDERED.**

Order Date: May 4, 2015

  
Judge's signature

Effective Date: \_\_\_\_\_  
(if different from order date)

Louise W. Flanagan U.S. District Judge  
Printed name and title